

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ni, *et al.*

Appl. No. 10/648,786

Filed: August 27, 2003

For: **Death Domain Combining
Receptor 4**

Confirmation No. 5264

Art Unit: 1614

Examiner: *To Be Assigned*

Atty. Docket:
1488.130000B/EKS/EJH/M-K

**First Supplemental Information Disclosure Statement under 37
C.F.R. § 1.97(b)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of documents AI1 and AR7 were cited by or submitted to the Office in an Information Disclosure Statement that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/565,918, filed May 5, 2000, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). Copies of documents AJ1 to AD2 are not provided in accordance with the U.S. Patent and Trademark Office pre-OG notice of July 11, 2003, which states "the Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003." Copies of documents AS6, AT6, and AS7 are attached.

Applicants wish to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding cDNA clone of this application are related to SEQ ID NOs: 7950 and 52011 in co-pending U.S. Application No. 09/912,292. A legible copy of those portions of U.S.

Application No. 09/912,292 which caused it to be listed on the attached PTO 1449 form is submitted herewith as document AS7. Applicants note that the sequences in U.S. Application No. 09/912,292 listed above are disclosed but not claimed in that application.

The Examiner's attention is directed to the following applications:

U.S. Application No. 09/013,895, Ni *et al.*, filed January 27, 1998, now patented as US 6,342,363 and submitted herewith as document AJ1;

U.S. Application No. 09/565,918, Ni *et al.*, filed May 5, 2000, now patented as US 6,433,147 and submitted herewith as document AK1;

U.S. Application No. 09/448,868, Ni *et al.*, filed November 24, 1999, now patented as US 6,461,823 and submitted herewith as document AA2;

U.S. Application No. 10/175,902, Ni *et al.*, filed June 21, 2002, now published as US 2003/0108516 and submitted herewith as document AD2;

U.S. Application No. 10/226,296, Ni *et al.*, filed August 23, 2002, now published as US 2003/0036168 and submitted herewith as document AB2; and

U.S. Application No. 10/226,318, Ni *et al.*, filed August 23, 2002, now published as US 2003/0073187 and submitted herewith as document AC2;

which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.


This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicants
Registration No. 36,688

Date: _____

4/14/04

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FORM PTO-1449 FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1488.130000B/EKS/EJH/M-K	APPLICATION NO. 10/648,786
	APPLICANT Ni et al.	
	FILING DATE August 27, 2003	GROUP 1614

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI1	4,179,337	12/18/1979	Davis et al.			07/28/1977
	AJ1	6,342,363	01/29/2002	Ni et al.			01/27/1998
	AK1	6,433,147	08/13/2002	Ni et al.			05/05/2000

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO3	WO 98/32856	07/30/1998	WIPO			Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>6</u>	Delgado, C., et al., "Quantitative analysis of polyethylene glycol (PEG) in PEG-modified proteins/cytokines by aqueous two-phase systems," <i>J. Biochem. Biophys. Methods</i> 29:237-250, Elsevier Science B.V. (1994).
	AT	<u>6</u>	Dillman, R.O., "Monoclonal Antibodies for Treating Cancer," <i>Ann. Internal Med.</i> 111:592-603, American College of Physicians (1989).

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1488.130000B/EKS/EJH/M-K	APPLICATION NO. 10/648,786
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA2	6,461,823	10/08/2002	Ni et al.			11/24/1999
	AB2	2003/0036168 A1	02/20/2003	Ni et al.			08/23/2002
	AC2	2003/0073187 A1	04/17/2003	Ni et al.			08/23/2002
	AD2	2003/0108516 A1	06/12/2003	Ni et al.			06/21/2002
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>7</u>	NCBI Genbank Accession No. U90875, Pan, G., et al., (April 1997).
	AS	<u>7</u>	Pending Non-Provisional U.S. Patent Application No. 09/912,292, filed July 26, 2001, NOT PUBLISHED: pages 1-75 (pages 1 + 2 partially redacted); portion of Table 2; and SEQ ID Nos: 7950 and 52011
	AT		

EXAMINER

DATE CONSIDERED

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